

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed February 17, 2006 and is filed concurrently with a Request for Continued Examination. In the Office Action, claims 17-20, 22-23, 25-32 and 35 were rejected under 35 U.S.C. §103(a). Claims 17 and 31 have been revised. Reconsider and allowance of the pending claims is respectfully requested.

Request for Examiner's Interview

The Examiner is respectfully requested to contact the undersigned attorney if, after review, such claims are still not in condition for allowance. This telephone conference would greatly facilitate the examination of the present application. The undersigned attorney can be reached at the telephone number listed below.

Rejections Under 35 U.S.C. § 103

Claims 17-20, 22-23, 25-32 and 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Holden (U.S. Patent No. 6,771,639) in view of Reynolds (U.S. Published Patent Application No. 2001/0037500A1). Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established. Moreover, Applicant respectfully submit that the provisional application associated with Reynolds does not constitute prior art *per se*, because it is unclear whether the contents of the provisional application were publicly known prior to the filing date of the subject application.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143, p.2100, 124(8th Ed., rev.1, Feb 2003); see also In Re Fine, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988).* The combined teachings of the cited references fail to describe or suggest all the claim limitations.

With respect to independent claims 17, 25 and 31, Applicant respectfully submits that neither Holden nor Reynolds, alone or in combination, describe a logic circuit, software or any means for altering an announcement compliant with an Advanced Television Enhancement Forum (ATVEF). The announcement features an attribute (or parameter) to *identify a network address and a port of a location containing the metadata. Emphasis added.* The Office Action states that Holden does not provide any teachings of this announcement and argues that Reynolds teaches triggers with announcements that include known multicast address and port number. However, triggers do not constitute an attribute or parameter to identify a network address/port containing metadata, but rather, are real-time events broadcast inside IP multicast packets that are delivered to the address/port defined in the SDP announcement. *See paragraph 14 of the Reynolds.*

Therefore, withdrawal of the outstanding §103(a) rejection is respectfully requested.

Conclusion

Applicant respectfully requests examination of the pending claims at the Examiner's earliest convenience.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: May 17, 2006

By


William W. Schaal

Reg. No. 39,018

Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

FACSIMILE

☒ deposited with the United States Postal Service
as first class mail in an envelope addressed to:
Commissioner for Patents, PO Box 1450,
Alexandria, VA 22313-1450.

☐ transmitted by facsimile to the Patent and
Trademark Office.

Date: 5/17/2006


Susan McFarlane

5/17/2006

Date